

10/797,550

663-004us

REMARKS

This paper is responsive to an Official Action that issued in this case on March 2, 2006. In that Action, the Office:

- Rejected claims 43, 70, 71, and 74 under 35 USC §102 as being anticipated by U.S. Pat. No. 4,320,696 to Daniels *et al.*;
- Objected to claims 44-46, 62-69, 72, and 73 as being dependent upon a rejected base claim; and
- Allowed claims 75-93.

Applicant's attorney wishes to thank the Examiner for the courtesy of a telephonic interview to discuss the case. Responsive to the interview and the Action, claims 43, 66 and 67 have been amended.

Before addressing the art rejection, applicant has made amendments to the Description that require brief mention. These amendments have been made to correct inadvertent errors pertaining to the characterization of some of the Figures. No new matter has been added.

Turning now to the art rejection, Applicant argued during the telephonic Interview that Independent claim 43 is allowable over Daniels because:

1. Daniels *et al.* is not an atomizer, it's an air outlet for an air conditioner.
2. Daniels *et al.* does not possess an annular gas cavity, as recited in claim 43.
3. If the regions in the Daniels *et al.* "air outlet" that the Office characterizes as a "gas aperture" and an "annular gas cavity" are properly characterized as such (which the applicant does not believe), they still do not meet the limitation of claim 43 that requires that the "gas cavity receives a flow of gas from said gas aperture." The gas flows out of the Daniels *et al.* device through the region that the Office characterizes as the "gas aperture." That being the case, it can't possibly meet the limitation excerpted above.
4. The feature that the Office identifies as the gas nozzle, which Daniels *et al.* simply characterizes as "opening 2a" (see, e.g., Figures 1a-1c), is not an "annular" gas nozzle or "annular" opening; it is axial. Claim 43 requires an "annular gas nozzle."

10/797,550

663-004us

The Office acknowledged the validity of applicant's arguments, but felt that its reading of *Daniels et al.* was not inappropriate.

For the sake of expediting prosecution, applicant proposed incorporating the limitations of claim 44 pertaining to a "resonator" into claim 43. The Examiner indicated that this would distinguish the *Daniels et al.* reference.

Since *Daniels et al.* does not teach or suggest what is recited in amended claim 43, it is allowable over that reference. As such, the rejection of claim 43 should be withdrawn. Since claims 70, 71, and 74 are ultimately dependent on claim 43, these claims are allowable over *Daniels et al.* as well.

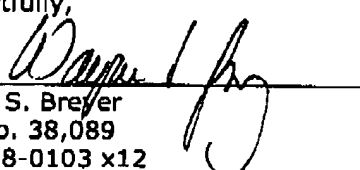
It is worth noting that various prior art atomizers do incorporate resonators (e.g., "Hartman-" type atomizers use a resonator to create shock waves, which atomize the liquid). But there would be absolutely no reason to modify *Daniels et al.* by adding a resonator, since it would serve no purpose (*Daniels et al.* is an air outlet, not an atomizer). So, *Daniels et al.* cannot serve as a basis for a Section 103 rejection of claim 43.

Conclusion

It is believed that claims 43-46 and 62-93 now presented for examination are in condition for allowance. A notice to that effect is solicited.

If any issues remain prior to allowance of the case, the Examiner is requested to telephone the undersigned for prompt resolution.

Respectfully,

By 
Wayne S. Breyer
Reg. No. 38,089
732-578-0103 x12

13 March 2006

DeMont & Breyer, L.L.C.
Suite 250, 100 Commons Way
Holmdel, NJ 07733